

Senate Engrossed

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 150

SENATE BILL 1332

AN ACT

ESTABLISHING THE STUDY COMMITTEE ON EMINENT DOMAIN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Study committee on eminent domain; report

3 A. A study committee on eminent domain is established consisting of:

4 1. Five members of the house of representatives who are appointed by
5 the speaker of the house of representatives, not more than three of whom are
6 members of the same political party. The speaker of the house of
7 representatives shall appoint one of these members to serve as cochairperson
8 of the study committee.

9 2. Four members of the senate who are appointed by the president of
10 the senate, not more than two of whom are members of the same political
11 party. The president of the senate shall appoint one of these members to
12 serve as cochairperson of the study committee.

13 B. The study committee shall meet beginning no later than September
14 1, 2001, to review and make recommendations regarding eminent domain
15 procedural and compensation issues, including:

16 1. How this state's eminent domain laws compare to other western
17 states' laws.

18 2. A comparison of this state's eminent domain procedures and
19 compensation with those of counties and municipalities of this state and
20 whether consistency in the eminent domain proceeding process is warranted.

21 3. Whether to condition the filing of an action for condemnation of
22 a property or interest in property on the condemning authority making a prior
23 offer in writing setting forth the condemning authority's good faith estimate
24 of just compensation, and providing one or more appraisals in support of the
25 amount of the proposed compensation.

26 4. Whether and in what manner to compensate an owner for costs,
27 disbursements and expenses, including attorney, appraisal and engineering
28 fees, when a condemnation proceeding is abandoned by the condemning
29 authority, dismissed on motion or a final judgment is rendered that the
30 acquiring agency cannot acquire the property by condemnation.

31 5. Whether and in what manner to compensate an owner when the
32 interests sought to be acquired in a condemnation action are modified or
33 amended so that the costs, disbursements or expenses incurred by the owner
34 in defending the original proceeding are not required to defend the modified
35 or amended proceeding.

36 6. Whether and in what amount to compensate an owner or party
37 having an interest in property being condemned in instances where a trial is
38 held or arbitration is conducted for fixing the amount of compensation to be
39 awarded, and the owner or party having an interest in the property being
40 condemned is awarded just compensation that is more than the highest written
41 offer in settlement submitted by the condemning authority.

42 7. Whether and in what manner to compensate for a loss of business
43 goodwill by reason of a condemnation proceeding.

1 8. Whether and in what manner to compensate an owner for damages to
2 a property when a condemning authority takes no portion of the property, but
3 causes the property to lose value in the course of taking adjacent or nearby
4 property.

5 9. Whether and in what circumstances to require a condemning authority
6 to acquire an entire improvement when taking part of an improvement.

7 10. Whether and in what manner to assign a consistently applied
8 definition of value, including fair market value, in connection with the
9 valuation of a taking of property by a condemning authority.

10 C. The study committee shall submit a written report that includes its
11 summary of recommendations and the potential financial implications of those
12 recommendations for the state, counties and municipalities to the governor,
13 the president of the senate and the speaker of the house of representatives
14 by November 15, 2001 and shall provide a copy of the report to the secretary
15 of state and the director of the Arizona state library, archives and public
16 records.

17 D. The study committee may use the services of legislative staff.

18 Sec. 2. Delayed repeal

19 Section 1 of this act, relating to the study committee on eminent
20 domain, is repealed from and after December 31, 2001.

**THIS BILL HAVING REMAINED WITH THE GOVERNOR FIVE DAYS, SUNDAY
EXCLUDED, AND THE LEGISLATURE BEING IN SESSION, IT HAS BECOME
A LAW THIS 19TH DAY OF APRIL, 2001.**

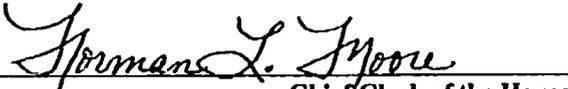
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 19, 2001.

Passed the House April 11, 20 01,

by the following vote: 39 Ayes,

17 Nays, 4 Not Voting


Speaker of the House

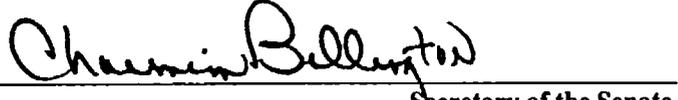

Chief Clerk of the House

Passed the Senate March 14, 20 01,

by the following vote: 17 Ayes,

12 Nays, 1 Not Voting


President of the Senate

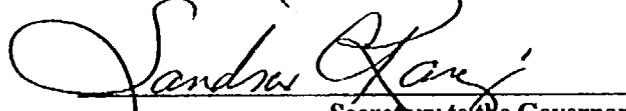

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

12 day of April, 20 01,

at 10:50 o'clock A M.


Secretary to the Governor

Approved this _____ day of

_____, 20 _____,

at _____ o'clock _____ M.

Governor of Arizona

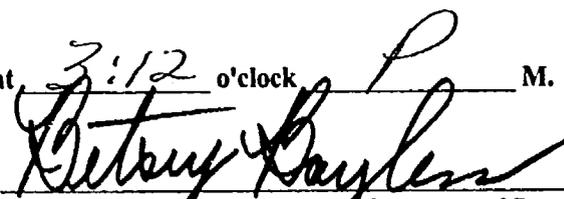
S.B. 1332

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 19 day of April, 20 01,

at 3:12 o'clock _____ M.


Secretary of State